

FCC MAIL ROOM

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	2001 SEP -4 A 11: 22
	)	
Request for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	RECEIVED
	)	
Yeshiva of Brooklyn	)	File No. SLD-202940
Brooklyn, NY	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45✓
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER****Adopted: August 27, 2001****Released: August 28, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division (Division) has under consideration a Request for Review filed by Yeshiva of Brooklyn, Brooklyn, New York.<sup>1</sup> Yeshiva of Brooklyn requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company to deny Yeshiva of Brooklyn's application for discounted services under the schools and libraries universal service support mechanism.<sup>2</sup> For the reasons set forth below, we deny the Request for Review and affirm SLD's denial of Yeshiva of Brooklyn's application.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>3</sup> In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) a completed FCC Form 470, in which the applicant sets forth its technological

<sup>1</sup> Letter from Heshy Arem, Yeshiva of Brooklyn, to Federal Communications Commission, filed April 10, 2001 (Request for Review).

<sup>2</sup> Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sylvia Zytlick, Yeshiva of Brooklyn, dated March 16, 2001.

<sup>3</sup> 47 C.F.R. §§ 54.502, 54.503.

needs and the services for which it seeks discounts.<sup>3</sup> The Administrator must post the FCC Form 470 on its website, and the applicant is required to wait 28 days before making a commitment with a selected service provider, and then filing an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.<sup>5</sup> The instructions for the FCC Form 471 state that the date of signature for the FCC Form 471 "CANNOT be earlier than the 29th day following the posting of the associated FCC Form 470 to the [SLD] Web Site."<sup>6</sup>

3. Further, the Commission's rules allow the Administrator to implement an internal filing period ("filing window") for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.<sup>7</sup> Applications that are received outside this filing window are subject to separate funding priorities under the Commission's rules.<sup>8</sup> It is to all applicants' advantage, therefore, to ensure that the Administrator receives their applications prior to the close of the filing window.

4. Upon review of the record, the Division concludes that SLD correctly denied Yeshiva of Brooklyn's request for support. Yeshiva of Brooklyn's FCC Form 470 was posted on December 21, 1999.<sup>9</sup> Under the program rules, Yeshiva of Brooklyn was not permitted to sign and submit its FCC Form 471 until after the end of the 28-day competitive bidding period, on January 18, 2000.<sup>10</sup> However, Yeshiva of Brooklyn signed its FCC Form 471 on January 14, 2000.<sup>11</sup> Yeshiva then filed the form on January 19, 2001, the last day of the filing window for Funding Year 3.<sup>12</sup>

5. A signature date on an FCC Form 471 or on a service provider agreement that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the

---

<sup>4</sup> 47 C.F.R. §§ 54.504(b)(1), (b)(3).

<sup>5</sup> 47 C.F.R. § 54.504(c); 47 C.F.R. §§ 54.504(b)(3) and (4); § 54.511.

<sup>6</sup> Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (December 1998), at 24 (FCC Form 471 Instructions).

<sup>7</sup> 47 C.F.R. § 54.507(c).

<sup>8</sup> 47 C.F.R. § 54.507(g).

<sup>9</sup> See FCC Form 470, Yeshiva of Brooklyn, filed December 21, 1999.

<sup>10</sup> See *id.*; 47 C.F.R. § 54.504(b)(4).

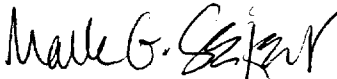
<sup>11</sup> See FCC Form 471, Yeshiva of Brooklyn, filed January 19, 2000.

<sup>12</sup> See *id.*; SLD web site, What's New (December 6, 1999) <<http://www.sl.universalservice.org/whatsnew/121999.asp>>.

Commission's competitive bidding rules.<sup>13</sup> The Common Carrier Bureau has consistently denied requests for review by applicants that similarly violated the Commission's competitive bidding rules.<sup>14</sup> Yeshiva of Brooklyn explains that, because it submitted its FCC Form 470 on December 21, 1999, there was not sufficient time to sign the FCC Form 471 after 28 days and submit the form before the close of the filing window on January 19, 2000.<sup>15</sup> Yet it is incumbent upon applicants to allow sufficient time to submit their FCC Forms 470, complete the 28-day competitive bidding period, and then submit their FCC Forms 471 within the filing window. For these reasons, the Division denies Yeshiva of Brooklyn's Request for Review.

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Yeshiva of Brooklyn, Brooklyn, New York, on April 10, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert  
Deputy Chief, Accounting Policy Division  
Common Carrier Bureau

---

<sup>13</sup> See *Request for Review by Minor High School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-139210, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 13790, 13792, para. 5 (Com. Car. Bur. 2000).

<sup>14</sup> See *Request for Review by Cathedral Grade School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-87608, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2953 (Com. Car. Bur. rel. Dec. 21, 1999); *Request for Review by Currituck County Schools Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-111040, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 5564 (Com. Car. Bur. 2000); *Request for Review by Gustine Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-108651, CC Docket Nos. 96-45 and 97-21, Order, DA 99-2534 (Com. Car. Bur. rel. Nov. 16, 1999).

<sup>15</sup> See *Request for Review*.